



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 6168-98

21 January 2000

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 26 May 1998 at age 20. In connection with your enlistment, you failed to state, on the Report of Medical History you completed, that you had seizures as a teenager. After reporting to recruit training, you admitted to a history of seizure activity at age 13 and further stated that you had been placed on dilatin. A medical record entry dated 16 June 1998 states that your mother and family physician had confirmed that you had seizure activity at ages 14 and 15. The record indicates that seizure activity since age 5 was disqualifying for military service unless the individual had been free of seizures for five years without medication and had a special evaluation.

Based on your fraudulent enlistment you were processed for an administrative discharge. In connection with this processing you made a statement that you did not intend to commit a fraud and the questions on the Report of Medical History were unclear. On 19 June 1998 the separation authority directed an entry level separation by reason of fraudulent enlistment. You were so separated on 23 June 1998 and were assigned an RE-3F reenlistment code.

The Board believed that the record shows deliberate concealment of your medical history, specifically your prior seizure activity. Therefore, the Board concluded that you did fraudulently enlist in the Marine Corps and a change in the reason for your separation is not warranted.

Regulation require the assignment of an RE-3F reenlistment code is most cases when an individual fails to complete Marine Corps recruit training. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of the RE-3F reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director